IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Maurizio PILU et al.	Confirmation No.: 4757

Serial No.: 10/628,229   **Examiner:** Mitra Kianersi

Filed: July 29, 2003   **Group Art Unit:** 2445

Title: VISUAL MEDIA VIEWING SYSTEM AND METHOD

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF - PATENTS

Sir:

This is an Appeal Brief in connection with the decisions of the Examiner in a Final Office Action mailed January 25, 2010, and in connection with the Notice of Appeal filed on May 3, 2010.

It is respectfully submitted that the present application has been at least twice rejected.

Each of the topics required in an Appeal Brief and a Table of Contents are presented herewith and labeled appropriately.

TABLE OF CONTENTS

(1)   Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited

partnership established under the laws of the State of Texas and having a principal place of

business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a

Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a

Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of

HPDC is HPQ Holdings, LLC.

(2)   Related Appeals and Interferences

The Appellant is unaware of any appeals or interferences related to this case.

(3)   Status of Claims

Claims 1-26 are pending and stand rejected.

Pursuant to 37 C.F.R. § 41.37, the Appellant hereby appeals the Examiner's decision

finally rejecting all of the pending claims to the Board of Patent Appeals and Interferences.

Therefore, the rejections of claims 1-26 are appealed.

(4)   Status of Amendments

No amendment was filed subsequent to the Final Office Action dated January 25, 2010.

A copy of the claims at issue on appeal is attached as the Claims Appendix.

(5)   Summary of Claimed Subject Matter

Claims 1, 11, 15, 22, 25 and 26 are the independent claims in this appeal. It should be understood that the citations below to the original disclosure as providing support for the claimed features are merely exemplary and do not limit the claim features to only those citations.

Claim 1. A method (Fig. 5) of viewing visual pictorial media across a network comprising the steps of:

i) storing respective local visual pictorial media data corresponding to the same visual pictorial media on first and second network elements connected to the network (*Specification*, page 10, lines 16-23);

ii) creating derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the first network element (Step 506; compressed format; *Specification*, page 16, lines 22-24);

iii) automatically generating a control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data (Step 514; *Specification*, 16, line 26 to page 17, line 2);

iv) transmitting the control data set from the first network element to the second network element via the network (Step 516; *Specification*, page 11, lines 3-4 and page 17, line 4);

v) accessing the local visual pictorial media data stored on the second network element in response to receiving the control data set (*Specification*, page 11, lines 6-7);

vi) recreating the derived visual pictorial data with a processing means (122 in Fig. 1) of

the second network element by use of the control data set and the local visual pictorial media

data stored on the second network element (*Specification*, page 11, lines 6-7 and page 17, lines

5-9); and

vii) displaying the recreated derived visual pictorial media data on viewing means (112,

page 11, line 9) of the second network element (Step 520; *Specification*, page 17, lines 5-6).

Claim 11. A visual pictorial media viewing system (Fig. 1) comprising first and second

network elements connected over a network (Server 102; Viewing Unit 106; Network 104);

the first network element (Server 102) being arranged for: (a) storing visual pictorial

media data (*Specification*, page 10, lines 16-17), (b) automatically selecting a portion of the

visual pictorial media data (*Specification*, page 10, lines 25-29), (c) processing said selected

portion of the visual pictorial media data (*Specification*, page 10, line 30), (d) generating a

control data set related to the selected portion of the visual pictorial media data (*Specification*,

page 10, line 30 to page 11, line 3), and (e) transmitting the control data set to the second

network element over the network (*Specification*, page 11, lines 3-4);

the second network element (Viewing Unit 106) being arranged for: (a) receiving the

control data set from the first network element (*Specification*, page 11, lines 6-7), (b) locally

storing a copy of the visual pictorial media data (*Specification*, page 10, lines 17-19), (c)

processing the received control data set to access the locally stored visual pictorial media data

(*Specification*, page 11, lines 6-7), (d) recreating the selected portion of the visual pictorial media

5

data on the second network element using the control data set and the locally stored visual

pictorial media data (*Specification*, page 12, line 31 to page 13, line 3; page 13, lines 27-31), and

(e) displaying the recreated selected portion of the visual pictorial media data on a display of the

second network element (*Specification*, page 13, lines 2-3);

the control data set (126; page 10, line 30) including (a) information relating to the

location of said selected portion within the locally stored copy of the visual pictorial media data

(*Specification*, page 10, lines 30-32) and (b) processing instructions relating to recreating and

displaying the selected portion on the display of the second network element (*Specification*, page

11, lines 1-4).

Claim 15. A network element (102 in Fig. 1) comprising

a data store (110) for storing visual pictorial media data (page 10, lines 16-17),

a selector (processor 108) for automatically selecting a portion of the stored visual

pictorial media data as derived visual pictorial media data (*Specification*, page 11, lines 20-27

and page 15, lines 23-30),

a first processor (processor 108) for processing said derived visual pictorial media data

(*Specification*, page 10, lines 30-32),

a data generator (processor 108) for generating a control data set related to the derived

visual pictorial media data (*Specification*, page 10, lines 30-32), and

a transmitter (102) for transmitting the control data set across a network to a remote network element (106) having a local copy of the visual pictorial media data stored thereupon (*Specification*, page 10, lines 17-19),

wherein the control data set (126; page 10, line 30) includes information corresponding to operations to be performed by a second processor of the remote network element to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set, to access the visual pictorial media data locally stored on the remote network element and recreate the derived visual pictorial data for display at the remote network element (*Specification*, page 11, lines 1-3).

Claim 22.   A network element (106 in Fig. 1) comprising

a receiver (106) for receiving a control data set (126; page 10, line 30) from a remote network element (102) across a network (104), wherein the control data set is related to a portion of visual pictorial media data stored on the remote network element (page 11, lines 6-7),

a data store (120) for locally storing a copy of the visual pictorial media data (page 10, lines 17-23),

a display (112) for displaying an image stored in the data store (page 11, lines 7-9),

the received control data set including (a) information relating to the location in the data store of the locally stored visual pictorial media data (*Specification*, page 10, lines 30-32) and (b) processing instructions relating to the recreation and display of a pictorial image of said portion

from the locally stored visual pictorial media data on the display (*Specification*, page 11, lines 1-4), and

a processor (122) coupled with the receiver, data store and display for accessing the locally stored visual pictorial media data in the data store using the location information of the received control data set (*Specification*, page 11, lines 6-7), recreating the portion of the visual pictorial media data created on the remote network element using the processing instructions of the received control data set and the locally stored visual pictorial media data (*Specification*, page 11, lines 7-9), supplying the recreated portion of the locally stored visual pictorial media data to the display (*Specification*, page 11, lines 7-9).

Claim 25. A network element (102 in Fig. 1) comprising

a data store (110) for storing visual pictorial media data,

a processor (108) for (a) automatically selecting a portion of the visual pictorial media data, and (b) generating a control data set (126) including the location of said portion within the visual pictorial media data and information relating to the processing of the data (*Specification*, page 12, lines 25-31; page 16, lines 27-28),

a network interface card (102) for transmitting the control data set (126), over a network (104), to a second network element (106), wherein the second network element (106) has a locally stored copy of the visual pictorial media data thereon (*Specification*, page 10, lines 16-19) and a processor (122) for recreating the portion of the visual pictorial media data using the

received control data set and the locally stored copy of the visual pictorial media data

(*Specification*, page 11, lines 6-9), and

a screen (112) for synchronously displaying (a) a pictorial image corresponding to the

portion of the data with (b) the second network element (*Specification*, page 11, lines 7-14).

Claim 26. A network element (106 in Fig. 1) comprising

a network interface card(106) for receiving a control data set (126) from a remote

network element (202a in Fig. 2) across a network (104), wherein the control data set is related

to a portion of visual pictorial media data stored on the remote network element (*Specification*,

page 10, line 30 to page 11, line 3),

a data storage device (120) for locally storing a copy of the visual pictorial media data

(*Specification*, page 10, lines 17-19),

a processor (122) for processing the received control data set and the locally stored visual

pictorial media data and recreating the portion of the visual pictorial media data stored on the

remote network element (*Specification*, page 11, lines 6-14), and

a screen (112) for displaying the recreated portion of the visual pictorial media data

(*Specification*, page 11, lines 7-9),

the received control data set including (a) information relating to location of an

automatically selected portion of the visual pictorial media data and (b) processing instructions

relating to recreating and synchronously displaying (a) a pictorial image of said portion from the

locally stored visual pictorial media data upon the screen with (b) its display on the remote

network element (*Specification*, page 11, lines 24-31),

the processor (122) being coupled with the network interface card, the screen, the data

storage device and the display for causing the screen to automatically display the local selected

portion of the visual pictorial media data, synchronously with display of the locally stored visual

pictorial media data with display thereof at the remote network element (*Specification*, page 11,

lines 6-14 and page 13, lines 27-31).

(6)   Grounds of Rejection to be Reviewed on Appeal

A.   Whether claims 1-26 were properly rejected under 35 U.S.C. §103(a) as being

unpatentable over U.S. Patent Application Publication No. 2003/0206182 to Kelly et al.

(hereinafter "Kelly") in view of U.S. Patent No. 6,496,780 to Harris et al. (hereinafter "Harris").

(7)   **Arguments**

A.   **The rejection of claims 1-26 under 35 U.S.C. §103(a) as being unpatentable**

over Kelly in view of Harris should be reversed.

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex*

Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007):

> "Under §103, the scope and content of the prior art are to be determined;
> differences between the prior art and the claims at issue are to be ascertained; and
> the level of ordinary skill in the pertinent art resolved. Against this background
> the obviousness or nonobviousness of the subject matter is determined. Such
> secondary considerations as commercial success, long felt but unsolved needs,
> failure of others, etc., might be utilized to give light to the circumstances
> surrounding the origin of the subject matter sought to be patented." Quoting
> *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C.

103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526,

57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a

determination of whether the claimed invention would have been obvious to one of ordinary skill

in the art based on any one of the following proper rationales:

> (A) Combining prior art elements according to known methods to yield
> predictable results; (B) Simple substitution of one known element for another to
> obtain predictable results; (C) Use of known technique to improve similar devices
> (methods, or products) in the same way; (D) Applying a known technique to a
> known device (method, or product) ready for improvement to yield predictable
> results; (E) "Obvious to try"—choosing from a finite number of identified,
> predictable solutions, with a reasonable expectation of success; (F) Known work
> in one field of endeavor may prompt variations of it for use in either the same
> field or a different one based on design incentives or other market forces if the
> variations would have been predictable to one of ordinary skill in the art; (G)

11

Some teaching, suggestion, or motivation in the prior art that would have led one
of ordinary skill to modify the prior art reference or to combine prior art reference
teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex
Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re*

Kahn, 441 F. 3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasonings with

some rational underpinning to support the legal conclusion of obviousness."

Furthermore, as set forth in MPEP 2143.03, to ascertain the differences between the prior

art and the claims at issue, "[a]ll claim limitations must be considered" because "all words in a

claim must be considered in judging the patentability of that claim against the prior art." *In re*

Wilson, 424 F.2d 1382, 1385.

- **Claims 1-26:**

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly in

view of Harris. This rejection should be reversed at least the following reasons.

    o Independent Claim 1:

Independent claim 1 recites, *inter alia*,

        ii) creating derived visual pictorial media data from the locally stored
        visual pictorial media data with a processing means of the first network
        element;
        iii) automatically generating a control data set representing the derived
        visual pictorial data and corresponding to operations to be performed by a
        processing means to create the derived visual pictorial media data;
        iv) transmitting the control data set from the first network element to
        the second network element via the network. (*Emphasis added*)

The combination of Kelly in view of Harris fails to teach or suggest at least the claimed features recited above for at least the following reasons.

Kelly discloses in Figs. 1 and 3 a system for generating a weather-report presentation that combines information of the weather condition and a video image of the sky conditions (See *Kelly*, paragraph [0001]). As shown in Fig. 1, the system of Kelly includes weather stations 18, radar 19, satellites 20, a video camera 24, processor 12, and a broadcast system 28. In operation, the system of Kelly initially obtains the weather condition information from the weather stations 18, radar 19, and satellites 20 (See paragraph [0022] and step 64 in Fig. 3). The system of Kelly also obtains video images of the sky from the video camera 24 (See paragraph [0024] and step 62 in Fig. 3). The processor 12 synchronizes the time of the obtained video images of the sky with the time of the obtained weather information (See paragraph [0038] and step 66 in Fig. 3). The processor 12 also combines the obtained weather information with the obtained video images into one presentation and transmits the combined presentation directly to the broadcast system 28 in Fig. 1 to display the combined presentation (See paragraphs [0028], [0040], and [0041] and steps 70 and 72 in Fig. 3).

As such, in Kelly, the processor 12 receives the video images of the sky from the video camera 24 and sends the same video images to the broadcast system 28 with the weather information superimposed thereon. In other words, the video images that the broadcast system 28 receives are the same images that the video camera 24 sends. Therefore, the processor 12 does not send a "derived" version of the video images to the broadcast system 28. Moreover, because

the processor 12 sends actual video images to the broadcast system 28 for display, the processor 12 does not send any "control data set" that represents derived video images or "control data set" that corresponds to operations to be performed by the processor 12. Therefore, Kelly fails to teach or suggest "generating a control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data" and "transmitting the control data set from the first network element to the second network element," as recited in steps (iii) and (iv) of claim 1.

In the rejection of claim 1, the Examiner asserts that the weather condition information in step 64 of Fig. 3 of Kelly is the "control data set" recited in claim 1 (See *Final Office Action*, page 4). However, that assertion is respectfully traversed. First, the weather condition information in step 64 of Fig. 3 of Kelly is not "control data set representing the derived visual pictorial data" recited in claim 1 because the weather condition information is text (such as the temperature) and not visual pictures. Second, the weather condition information is the actual temperature or the like for the broadcast system 28 to display. Thus, the weather condition information is corresponding to the weather condition but is not corresponding to any "operations" to be performed by the processor 12 or by the broadcast system 28. Therefore, the weather condition information in step 64 of Fig. 3 in Kelly is not the same as the "control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data," as recited in claim 1.

Moreover, in the "Response to Arguments" section of the Final Office Action, the Examiner asserts that steps 66, 68, 70, and 72 in Fig. 3 of Kelly include the "control data set"

recited in claim 1 (See *Final Office Action*, page 2, paragraph [A]). First, that assertion is

contradictory to the assertion in the rejection of claim 1 because, as mentioned above, in the

rejection of claim 1, on page 4 of the Final Office Action, the Examiner asserts that the weather

condition information in step 64 in Fig. 3, not steps 66, 68, 70, and 72, is the "control data set" of

claim 1. Second, steps 66, 68, 70, and 72 disclose the process where the processor 12

synchronizes the time of the video images with the time of the weather information, combines

the images and the weather information, and then sends the combined presentation to the

broadcast system 28 for display. As a result, the video images that the broadcast system displays

may include the weather information with the video images, but the video images that the

broadcast system 28 displays are the same video images that the video camera 24 sends and the

same video images that the processor 12 processes. Thus, the video images that the processor 12

sends to the broadcast system 28 are not data that represents derived images or corresponds to

operations to be performed by the broadcast system 28. Therefore, contrary to the assertion by

the Examiner, steps 66, 68, 70, and 72 in Kelly do not include control data set that represents a

"derived" video image or corresponds to "operations" to be performed by a processing means, as

claimed.

    Furthermore, independent claim 1 recites,

        v) accessing the local visual pictorial media data stored on the second
        network element in response to the control data set;
        vi) recreating the derived visual pictorial data with a processing means
        of the second network element by use of the control data set and the local
        visual pictorial media data stored on the second network element.

15

Kelly fails to teach or suggest the claimed features recited above. As discussed above, in Kelly, the video images (from the video camera 24) and weather condition information (from weather stations 18, radar 19, or satellite 20) are combined and transmitted to the broadcast system 28 as part of a televised weather report presentation in step 72 (See paragraphs [0028] and [0041]). Thus, the broadcast system 28 displays whatever presentations that it receives from the processor 12. As such, in Kelly, the broadcasting system 28 broadcasts the combined presentation without accessing any local pictorial media data stored in the broadcast system 28, as recited in step (v) of claim 1.

Furthermore, because the broadcast system 28 displays the combined presentation that it receives from the processor 12, the broadcast system 28 does not use a control data set and locally stored pictorial media data to recreate a derived visual pictorial data. Therefore, Kelly fails to teach or suggest "recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set and the local visual pictorial media data stored on the second network element," as recited in step (vi) of claim 1.

In the rejection of claim 1 and "Response to Arguments" section of the Final Office Action, the Examiner asserts that steps 66, 68, 70 and 72 in Fig. 3 of Kelly are the "recreating" step (vi) of claim 1 (See *Final Office Action*, page 4, and page 2, paragraphs [A] and [B]). However, that assertion is respectfully traversed because steps 66, 68, 70, and 72 are related to combining the video images and weather information into one presentation, and sending the combined presentation to the broadcast system 28 for display. Thus, steps 66, 68, 70, and 72

fails to teach or suggest recreating the combined presentation by <u>use of a control data set and</u>

<u>local visual pictorial data</u>, as claimed.

Harris is used in the Final Office Action as the teaching of transmitting weather images

over a network. Thus, Harris is not used as the teaching of the claimed features recited above,

nor does it. Therefore, Harris fails to cure the deficiencies of Kelly.

For at least the foregoing reasons, the Examiner has failed to establish that independent

claim 1 is *prima facie* obvious in view of the combined disclosures contained in Kelly and

Harris, as proposed in the Final Office Action. Therefore, reversal of the rejection of

independent claim 1 and allowance of the claim is respectfully requested.

      o <u>Independent Claims 11, 15, 22, 25, and 26:</u>

Independent claim 11 recites a system comprising, *inter alia*,

> the first network element being arranged for: ... (b) automatically
> selecting a portion of the visual pictorial media data, ... (d) generating a control
> data set related to the selected portion of the visual pictorial media data, and (e)
> transmitting the control data set to the second network element over the network;
> the second network element being arranged for: (a) receiving the control
> data set from the first network element, ... (c) processing the received control data
> set to access the locally stored visual pictorial media data, (d) recreating the
> selected portion of the visual pictorial media data on the second network element
> using the control data set and the locally stored visual pictorial media data, ...;
> the control data set including (a) information relating to the location of
> said selected portion within the locally stored copy of the visual pictorial media
> data and (b) processing instructions relating to recreating and displaying the
> selected portion on the display of the second network element.

Independent claim 15 recites a network element comprising, *inter alia*,

a selector for automatically selecting a portion of the stored visual pictorial media data as derived visual pictorial media data,

...

a data generator for generating a control data set related to the derived visual pictorial media data, and

a transmitter for transmitting the control data set across a network to a remote network element having a local copy of the visual pictorial media data stored thereupon,

wherein the control data set includes information corresponding to operations to be performed by a second processor of the remote network element to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set, to access the visual pictorial media data locally stored on the remote network element and recreate the derived visual pictorial data for display at the remote network element.

Independent claim 22 recites a network element comprising, *inter alia*,

a receiver for receiving a control data set from a remote network element across a network, wherein the control data set is related to a portion of visual pictorial media data stored on the remote network element,

a data store for locally storing a copy of the visual pictorial media data,

...

the received control data set including (a) information relating to the location in the data store of the locally stored visual pictorial media data and (b) processing instructions relating to the recreation and display of a pictorial image of said portion from the locally stored visual pictorial media data on the display, and

a processor coupled with the receiver, data store and display for accessing the locally stored visual pictorial media data in the data store using the location information of the received control data set, recreating the portion of the visual pictorial media data created on the remote network element using the processing instructions of the received control data set and the locally stored visual pictorial media data, supplying the recreated portion of the locally stored visual pictorial media data to the display.

Independent claim 25 recites a network element comprising, *inter alia*,

a processor for (a) automatically selecting a portion of the visual pictorial media data, and (b) generating a control data set including the location of said

portion within the visual pictorial media data and information relating to the processing of the data,

> a network interface card for transmitting the control data set, over a network, to a second network element, wherein the second network element has a locally stored copy of the visual pictorial media data thereon and a processor for recreating the portion of the visual pictorial media data using the received control data set and the locally stored copy of the visual pictorial media data, and

> a screen for synchronously displaying (a) a pictorial image corresponding to the portion of the data with (b) the second network element.

Independent claim 26 recites a network element comprising, *inter alia*,

> a network interface card for receiving a control data set from a remote network element across a network, wherein the control data set is related to a portion of visual pictorial media data stored on the remote network element,

> ...

> a processor for processing the received control data set and the locally stored visual pictorial media data and recreating the portion of the visual pictorial media data stored on the remote network element, and

> ...

> the received control data set including (a) information relating to location of an automatically selected portion of the visual pictorial media data and (b) processing instructions relating to recreating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data upon the screen with (b) its display on the remote network element.

Thus, independent claims 11, 15, 22, 25, and 26 recite features similar to those of independent claim 1 as discussed above, including a first element generating the control data set, and a second element receiving the data control set, accessing the locally stored visual pictorial media data, and recreating the selected portion of the visual pictorial media data using the control data set and the locally stored visual pictorial media data. Thus, independent claims 11, 15, 22, 25, and 26 are believed to be allowable over the cited documents of record for at least the same

reasons as set forth to independent claim 1 above. It is therefore respectfully requested that the

rejection of independent claims 11, 15, 22, 25, and 26 be reversed, and these claims be allowed.

    o   Dependent Claims 2-10, 12-14, 16-21, 23, and 24:

      Claims 2-10, 12-14, 16-21, 23, and 24 are dependent from one of independent claims 1,

11, 15, and 22. Thus, they are believed to be allowable over the cited documents of record for at

least the same reasons as set forth to independent claims 1, 11, 15, and 22 above. It is therefore

respectfully requested that the rejection of claims 2-10, 12-14, 16-21, 23, and 24 be reversed, and

these dependent claims be allowed.

(8)   Conclusion

For at least the reasons given above, the rejection of claims 1-26 described above should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: July 6, 2010   By   / Ashok K. Mannava / _____
                                     Ashok K. Mannava
                                     Registration No. 45,301
                                     (703) 652-3822

                                     MANNAVA & KANG, P.C.
                                     11240 Waples Mill Road
                                     Suite 300
                                     Fairfax, VA 22030
                                     (703) 865-5150 (facsimile)

(9)   Claim Appendix

1. (Previously Presented) A method of viewing visual pictorial media across a network comprising the steps of:

i) storing respective local visual pictorial media data corresponding to the same visual pictorial media on first and second network elements connected to the network;

ii) creating derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the first network element;

iii) automatically generating a control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data;

iv) transmitting the control data set from the first network element to the second network element via the network;

v) accessing the local visual pictorial media data stored on the second network element in response to receiving the control data set;

vi) recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set and the local visual pictorial media data stored on the second network element; and

vii) displaying the recreated derived visual pictorial media data on viewing means of the second network element.

2. (Previously Presented) A method according to claim 1 in which the step of creating the derived visual pictorial media is performed automatically.

3. (Previously Presented) A method as claimed in claim 1, wherein the step of creating the derived visual pictorial data comprises selecting a portion of the locally stored visual pictorial media data corresponding to a portion of the visual pictorial media.

4. (Previously Presented) The method of claim 3 further comprising displaying the portion of the locally stored visual pictorial media upon viewing means of the first network element substantially synchronously with the displaying of step (vi).

5. (Previously Presented) A method according to claim 1 in which the visual pictorial media data stored on the first and second elements are identical.

6. (Previously Presented) The method of claim 1 comprising using visual pictorial saliency techniques to select the portion of the visual pictorial media automatically.

7. (Previously Presented) The method of claim 1 comprising including in the automatically generated control data set a spatial and temporal locational information detailing a sub-set of video visual pictorial media.

8. (Previously Presented) The method of claim 1 comprising sharing a rostrum path between the first and second network elements.

9. (Previously Presented) The method of claim 1 comprising transferring visual pictorial media data from the first network element to the second network element prior to step (i).

10. (Previously Presented) The method of claim 1 further comprising:

      i) creating further derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the second network element;

      ii) automatically generating a control data set representing the further derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data;

      iii) transmitting the control data set from the second network element to the first network element via the network; and

      v) recreating the further derived visual pictorial data with a processing means of the first network element by use of the control data set.

11. (Previously Presented) A visual pictorial media viewing system comprising first and second network elements connected over a network;

      the first network element being arranged for: (a) storing visual pictorial media data, (b) automatically selecting a portion of the visual pictorial media data, (c) processing said selected

portion of the visual pictorial media data, (d) generating a control data set related to the selected portion of the visual pictorial media data, and (e) transmitting the control data set to the second network element over the network;

the second network element being arranged for: (a) receiving the control data set from the first network element, (b) locally storing a copy of the visual pictorial media data, (c) processing the received control data set to access the locally stored visual pictorial media data, (d) recreating the selected portion of the visual pictorial media data on the second network element using the control data set and the locally stored visual pictorial media data, and (e) displaying the recreated selected portion of the visual pictorial media data on a display of the second network element;

the control data set including (a) information relating to the location of said selected portion within the locally stored copy of the visual pictorial media data and (b) processing instructions relating to recreating and displaying the selected portion on the display of the second network element.

12. (Previously Presented) A visual media viewing system according to claim 11 wherein the control data set is smaller than the portion of the visual pictorial media data.

13. (Previously Presented) A visual media viewing system according to claim 11 wherein the first network element has a display for displaying the pictorial image generated from the portion of the visual pictorial media data synchronously with its display upon the display of the second network element.

14. (Previously Presented) A visual media viewing system according to claim 11 further including a third network element connected to the network, including viewing means and a data store arranged to store said visual pictorial media locally, and the first network element is arranged to transmit the control data set to the third network element such that said viewing means is arranged to substantially synchronously display (a) the portion of the visual pictorial media that are stored locally, with (b) the display of the portion of the visual pictorial media upon the second network element.

15. (Previously Presented) A network element comprising

a data store for storing visual pictorial media data,

a selector for automatically selecting a portion of the stored visual pictorial media data as derived visual pictorial media data,

a first processor for processing said derived visual pictorial media data,

a data generator for generating a control data set related to the derived visual pictorial media data, and

a transmitter for transmitting the control data set across a network to a remote network element having a local copy of the visual pictorial media data stored thereupon,

wherein the control data set includes information corresponding to operations to be performed by a second processor of the remote network element to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set,

to access the visual pictorial media data locally stored on the remote network element and

recreate the derived visual pictorial data for display at the remote network element.

16. (Previously Presented) A network element as claimed in claim 15, wherein the information

contained in the control data set comprises information relating to the location of a portion

within the visual pictorial media data and processing instructions relating to recreating and

displaying the derived visual pictorial media data from the local copy of the visual media stored

on the remote network element.

17. (Previously Presented) A network element according to claim 15 wherein the network

element comprises a viewer for viewing an automatically selected portion of the visual pictorial

media data synchronously with the display of the pictorial image upon the remote network

element.

18. (Previously Presented) A network element according to claim 15 wherein the selector is

arranged to automatically select a portion of the visual pictorial media data in response to a user

selection of a region of a pictorial image formed from the visual pictorial media data.

19. (Previously Presented) A network element according to claim 15 wherein the selector is

arranged to select, automatically, a portion of the visual pictorial media using a visual saliency

technique.

20. (Previously Presented) A network element according to claim 15 wherein the control data set includes details of transitions between a plurality of automatically selected portions of visual pictorial media.

21. (Previously Presented) A network element according to claim 15 wherein the selector is arranged to select the portion of the data in response to a prompt from a remote network element.

22. (Previously Presented) A network element comprising

a receiver for receiving a control data set from a remote network element across a network, wherein the control data set is related to a portion of visual pictorial media data stored on the remote network element,

a data store for locally storing a copy of the visual pictorial media data,

a display for displaying an image stored in the data store,

the received control data set including (a) information relating to the location in the data store of the locally stored visual pictorial media data and (b) processing instructions relating to the recreation and display of a pictorial image of said portion from the locally stored visual pictorial media data on the display, and

a processor coupled with the receiver, data store and display for accessing the locally stored visual pictorial media data in the data store using the location information of the received control data set, recreating the portion of the visual pictorial media data created on the remote

network element using the processing instructions of the received control data set and the locally

stored visual pictorial media data, supplying the recreated portion of the locally stored visual

pictorial media data to the display.

23. (Previously Presented) A network element according to claim 22 wherein the control data set

includes processing instructions relating to displaying the pictorial image on the network element

synchronously with displaying a pictorial image on the remote network element, the pictorial

image on the remote network element being the same as the locally stored visual media data.

24. (Previously Presented) A program storage device readable by a machine encoding a program

of instructions which when operated upon the machine causes the machine to operate as a

network element according to claim 15.

25. (Previously Presented) A network element comprising

 a data store for storing visual pictorial media data,

 a processor for (a) automatically selecting a portion of the visual pictorial media data, and

(b) generating a control data set including the location of said portion within the visual pictorial

media data and information relating to the processing of the data,

 a network interface card for transmitting the control data set, over a network, to a second

network element, wherein the second network element has a locally stored copy of the visual

pictorial media data thereon and a processor for recreating the portion of the visual pictorial

media data using the received control data set and the locally stored copy of the visual pictorial

media data, and

a screen for synchronously displaying (a) a pictorial image corresponding to the portion

of the data with (b) the second network element.

26. (Previously Presented) A network element comprising

a network interface card for receiving a control data set from a remote network element

across a network, wherein the control data set is related to a portion of visual pictorial media data

stored on the remote network element,

a data storage device for locally storing a copy of the visual pictorial media data,

a processor for processing the received control data set and the locally stored visual

pictorial media data and recreating the portion of the visual pictorial media data stored on the

remote network element, and

a screen for displaying the recreated portion of the visual pictorial media data,

the received control data set including (a) information relating to location of an

automatically selected portion of the visual pictorial media data and (b) processing instructions

relating to recreating and synchronously displaying (a) a pictorial image of said portion from the

locally stored visual pictorial media data upon the screen with (b) its display on the remote

network element,

the processor being coupled with the network interface card, the screen, the data storage

device and the display for causing the screen to automatically display the local selected portion

of the visual pictorial media data, synchronously with display of the locally stored visual

pictorial media data with display thereof at the remote network element.

(10)   Evidence Appendix

None.

(11)   Related Proceedings Appendix

None.